MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2021/2022

UDL3612 – LAND LAW I

(All Sections / Groups)

22 NOVEMBER 2021
Reading Time : 9.15 a.m. – 9:30 a.m.
(15 Minutes)
Answering Time: 9:30 a.m. – 12:30 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in the question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 6 pages with 5 Questions only.

3. This Question paper consists of 2 sections. Attempt ONE question only in **Section A** and all THREE questions in **Section B.** All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall CLEAN and ORIGINAL copy of: (i) National Land Code (Revised – 2020) (Act 828); (ii) Strata Titles Act 1985 (Act 318); (iii) Strata Management Act 2013 (Act 757); and (iv) Land Acquisition Act 1960 (Act 486).
   "Clean" is defined to include no tagging, no annotation either by publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer ONE Question only)

QUESTION 1

With reference to the relevant provisions of the National Land Code (Revised 2020) and case law, illustrate the following:

(a) Concept of co-proprietorship;

(8 marks)

(b) Differences between "sub-division" and "partition" of land; and

(8 marks)

(c) The extent of the right in respect of air space above the surface of the land in Peninsular Malaysia.

(9 marks)

(Total: 25 marks)

Continued...

QUESTION 2

Mahmud is a registered proprietor of a piece of 1.765 acres of agriculture land held under title No. H.S. (D) 165, PT No. 2311 Mukim Tehel, District of Jasin, Melaka ("the said land"). The State Authority is now entering their second phase of developing a new town area, Bandar Baru Seri Tehel. Mahmud's land is included in this plan. On the said land, Mahmud has built a house that he rents out for homestay. The adjoining land is owned by his brother, Hamdan.

Mahmud and Hamdan received a Notice of Intended Acquisition from the State Authority to acquire the land for the purpose of building a sport school. The acquisition was made pursuant to section 8 of the Land Acquisition Act 1960. All the procedures were carried out accordingly until the stage of valuation. Mahmud and Hamdan were informed that the valuation would be made according to the market value. Upon the completion of the valuation process, Mahmud and Hamdan were surprised on the compensation amount offered as it was far below their expectations. Besides, Mahmud was not satisfied on the fact that the valuation on his land was assessed with a lower rate as compared to Hamdan's land. According to him, this should not be the case as the lands are adjoining lands. Other than that, it was known to the villagers that there will be a new City Centre to be developed in that area and the government has started building a new road nearby to access the highway.

(a) Advise Mahmud and Hamdan on their rights and possible arguments they may bring up to question the determination of 'market value' by the Government valuer.

(15 marks)

(b) Advise the parties on the procedure to challenge the award granted by the Land Administrator?

(10 marks)

(Total: 25 marks)

Continued...

SECTION B (Answer all THREE questions)

QUESTION 3

Mocha is a farmer who occupies a piece of land in Raub under a Temporary Occupation Licence ("TOL") since 2015. Mocha has applied for a yearly renewal of the TOL and has been granted by the Pahang State Authority since then. Mocha grows durian and papaya for commercial purposes. The TOL provides that the land is to be used for the purpose of cultivation and private residence.

In February 2016, Mocha allowed his brother-in-law Oreo, to occupy part of the land. Mocha informed Oreo that the land was a TOL land and Oreo could stay on the land for as long as the TOL is renewed by the State Authority. Oreo then cleared the durian and papaya trees on the TOL land and build a wooden house for himself. A year later, Oreo agreed to rent out one of the rooms to Donut for RM100.00 a month. Oreo intended to sell the house to Donut as he had planned to leave the district in two years' time. Oreo entered into a sale and purchase agreement with Donut whereby Donut agreed to buy the house for RM40,000.00. Donut paid RM4,000.00 as a 10 percent deposit and the balance of the purchase price by the end of 2018. In the meantime, Donut continued to rent the room from Oreo.

In March 2018, Mocha heard from the neighbouring TOL licence holders that the Pahang State Authority was planning to alienate all lands in the area. Mocha applied for alienation of the land he held under TOL. At the same time, Mocha wrote a will in which he bequeathed the TOL land to his one and only son, Latte. Unfortunately, in May 2020, Mocha died due to Covid-19. Latte intended to continue with the agricultural business initiated by his late father.

Latte then gave Oreo a month's notice to deliver vacant possession of the land. Latte is also claiming damages in respect of the destruction to the durian and papaya trees caused by Oreo on his father's land for the past several years. However, Oreo refused to vacate the land and argued that he had acquired a right in equity and he was the one supposed to be compensated.

Advise all parties involved in the above situations.

(Total: 25 marks)

Continued...

QUESTION 4

Tok Din bin Abdullah is the registered proprietor of a piece of land, i.e. Lot 1718 through alienation. A portion of the issue document of title for Lot 1718 is reproduced below.

DHKK

Kanun Tanah Negara

Borang 5DK
(Jadual Keempat Belas)

GERAN MUKIM MCL

No. Hakmilik: 1234	Cukai Tahunan: RM 80.00

Geran selama-lamanya

Negeri	: Melaka
Daerah	: Alor Gajah
Bandar/Pekan/Mukim	: Mukim Durian Tunggal
Tempat	: Kampong Durian
No. Lot	: No. Lot 1718
Luar Lot	: 1.5 Hektar
Kategori Penggunaan Tanah	: Pertanian
No. Lembaran Piawai	: 36-K
No. Pelan Diperakui	: 504631
No. Fail	: PTHT: 08/04/2008/1504

Tanah yang diperihalkan di atas adalah dipegang untuk selama tempoh tahun di atas oleh tuan punya pada masa namanya disebut dalam rekod ketuanpunyaan di bawah, tertakluk kepada peruntukan-peruntukan Kanun Tanah Negara, kepada kategori yang dinyatakan di atas dan kepada syarat-syarat nyata dan sekatan-sekatan kepentingan yang dinyatakan di bawah, sebagai balasan bagi pembayaran cukai tahunan yang sewajarnya.

Dengan perintah Pihak Berkuasa Negeri
Didaftarkan pada 15 April 2008

T.M. ……t.t……
Pentadbir Tanah Daerah

Pelan tanah, bagi maksud pengenalan, adalah diperihalkan pada Borang B1.

Continued…

SYARAT-SYARAT NYATA

Hendaklah ditanam dengan pokok kelapa sawit sahaja.

SEKATAN-SEKATAN KEPENTINGAN

Tanah ini tidak boleh dipindahmilik atau dipajak dengan apa cara sekali pun dalam tempoh dua puluh tahun dari tarikh mula-mula pemberimilikan. Selepas tempoh tersebut, tidak dibenarkan pindahmilik, digadai, atau dipajak kecuali mendapat kebenaran Pihak Berkuasa Negeri.

Tarikh mula-mula pemberimilikan	: 3 Jun 2002
No. hakmilik asal (Tetap atau sementara)	: GM 18
No. hakmilik yang terdahulu daripada ini (jika berlainan daripada di atas)	: H.S.(D) 668

REKOD KETUANPUNYAAN

TOK DIN BIN ABDULLAH 1/1 bhgn
No. kp: 570108-04-5115, Warganegara Malaysia
No.18, Lorong Kampung Durian 2, 76100 Durian Tunggal, Melaka

With reference to the issue document of title above, address the issues in each of the independent and separate situations below:

(a) Tok Din bin Abdullah has planted durian trees on the land since Year 2003. As a State Legal Advisor, advise the Land Administrator of the possible course(s) of action that may be taken consequent to Tok Din bin Abdullah's conduct.

(10 marks)

(b) Assuming the alienation of Lot 1718 was approved on 11 September 2001. Tok Din bin Abdullah now intends to transfer portion of the land to Mr Armeen Bijan, a Japanese Malay, to jointly develop the land into an industrial estate. Advise him on the matters.

(15 marks)

(Total: 25 marks)

Continued...

QUESTION 5

(a) Cemara Seaview Apartment has developed a block of 15-storey service apartment ('the property") in the vicinity of Pantai Tanjung Bungah which is within a walking distance from the beach. For security purposes, Cemara Seaview Apartment fenced its property. As a result, it blocked the access to the waterfront facing its property from the adjacent lots.

Members of the public lodged several complaints to the management corporation of the property stating that the fence has prevented access to the beach. However, there is another route to the beach but the route through the compound of resort is the shortest, safest and the most convenient access to the beach.

Sonia, as a member of the public wishes to apply for the creation of a Land Administrator's Right of Way (LAROW) under section 390 of the National Land Code 2020.

Based on the above circumstances, assuming that you are the Land Administrator, decide whether a LAROW should be granted to Sonia.

(10 marks)

(b) Donald lives in Fairview Condominium, Melaka. Lately the water pipe which is embedded in the concrete wall of the corridor outside his unit has burst. It is a service pipe that exclusively serves his unit. Donald's request to the Management Corporation of Fairview Condominium to repair the pipe was rejected. Donald then refused to contribute to the maintenance charges subsequently. The Management Corporation had denied Donald to the access of the car park in the common property and threatened to seize the properties in Donald's unit.

Advise the parties on the rights and liabilities.

(15 marks)

(Total: 25 marks)

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